



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3287

Introduced 2/7/2012, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

See Index

Creates the Illinois Service Member Civil Relief Act. Provides that nothing in the Act is intended to impair any existing right or benefit available to any service member. Provides that certain legal protections afforded to service members (and family members where specified) are subject to stated provisions of law. Amends the Illinois Administrative Procedure Act to set forth a provision concerning stays of contested case hearings for service members. Amends the Civil Administrative Code of Illinois to set forth a provision concerning deadline extensions for service members. Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois to make changes to the provision concerning bulk long distance telephone services for military personnel in military service (now on active duty). Amends the Military Code of Illinois, Illinois Municipal Code, Illinois Insurance Code, Public Utilities Act, Service Member's Employment Tenure Act, Code of Civil Procedure, Landlord and Tenant Act, Uniform Commercial Code, Interest Act, Retail Installment Sales Act, Military Personnel Cellular Phone Contract Termination Act, and Motor Vehicle Leasing Act to make changes in certain provisions concerning military personnel. Amends the Illinois Human Rights Act to provide that a violation of specified provisions regarding legal protections for military personnel constitutes a civil rights violation under the Illinois Human Rights Act.

LRB097 17537 RPM 62741 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Service Member Civil Relief Act.

6 Section 5. Legislative intent. Nothing in this Act is
7 intended to impair any existing right or benefit available to
8 any service member.

9 Section 10. Definitions. In this Act:

10 "Military service" means any training or duty, no matter
11 how described under federal or State law, for which a service
12 member is ordered to report by the President, Governor of a
13 state, commonwealth, or territory of the United States, or
14 other appropriate military authority.

15 "Service member" means a resident of Illinois who is a
16 member of any component of the U.S. Armed Forces or the
17 National Guard of any state, the District of Columbia, a
18 commonwealth, or a territory of the United States.

19 "Training or duty under Title 32 of the United States Code"
20 has the same meaning ascribed to that term in Section 30.10 of
21 the Military Code of Illinois.

22 "State Active Duty" has the same meaning ascribed to that

1 term in Section 30.10 of the Military Code of Illinois.

2 Section 15. Cellular phone contract. Termination of a
3 cellular phone contract involving a service member who enters
4 military service shall be subject to the provisions of the
5 Military Personnel Cellular Phone Contract Termination Act.

6 Section 20. Bulk long distance telephone services. Bulk
7 long distance telephone services purchased by the Department of
8 Central Management Services and made available to persons in
9 the immediate family of service members who have entered
10 military service so that those persons in the service members'
11 families can communicate with the service members shall be
12 subject to Section 405-272 of the Department of Central
13 Management Services Law of the Civil Administrative Code of
14 Illinois.

15 Section 25. Stoppage of gas or electricity; arrearage;
16 municipality; electric company or cooperative.

17 (a) The stoppage of gas or electricity from entering the
18 residential premises of which a service member was a primary
19 occupant immediately before the service member entered
20 military service for nonpayment of service shall be subject to
21 Section 11-117-12.2 of the Illinois Municipal Code when the
22 entity providing the gas or electrical service is a
23 municipality owning a public utility, or shall be subject to

1 Section 8-201.5 of the Public Utilities Act when the entity
2 providing the gas or electrical service is a company or
3 electric cooperative.

4 (b) Payment periods offered to a residential consumer who
5 is a service member upon his or her return from military
6 service to pay off any arrearages incurred during the period of
7 the residential consumer's service period shall be subject to
8 Section 11-117-12.2 of the Illinois Municipal Code when the
9 entity offering the payment period is a municipality owning a
10 public utility, or shall be subject to Section 8-201.5 of the
11 Public Utilities Act when the entity offering the payment
12 period is a company or electric cooperative.

13 Section 30. Life insurance policy. The lapse or forfeiture
14 of an individual life insurance policy insuring the life of a
15 service member who enters military service shall be subject to
16 Section 224.05 of the Illinois Insurance Code.

17 Section 35. Action for possession of residential premises
18 of a tenant. An action for possession of residential premises
19 of a tenant, including a tenant who is a resident of a mobile
20 home park, who is a service member that has entered military
21 service, or of any member of the tenant's family who resides
22 with the tenant shall be subject to Section 9-107.10 of the
23 Code of Civil Procedure.

1 Section 40. Limitation on interest rate. Interest or
2 finance charges collected or charged to a service member who
3 has entered military service, or the spouse of that service
4 member, in connection with an obligation entered into on or
5 after the date of August 22, 2005, but prior to the date that
6 the service member entered military service, shall be subject
7 to Section 4.05 of the Interest Act.

8 Section 45. Termination of lease; motor vehicle. The
9 termination of a motor vehicle lease involving a service member
10 who has entered military service or the spouse of that service
11 member shall be subject to Section 37 of the Motor Vehicle
12 Leasing Act.

13 Section 50. Termination of property lease. The termination
14 of a lease for a mobile home lot, residential premises, or
15 non-residential premises by a service member who has entered
16 military service, or by the spouse of that service member, in
17 conjunction with a lease entered into on or after the effective
18 date of this Act is subject to Section 16 of the Landlord and
19 Tenant Act. The termination of a lease for farm or agricultural
20 real property by a service member who has entered military
21 service or by the spouse of that service member is subject to
22 Section 9-206 of the Code of Civil Procedure and Section 16 of
23 the Landlord and Tenant Act.

1 Section 55. Stay of administrative contested case
2 hearings. The stay of an administrative contested case hearing
3 involving a named party who is a service member that has
4 entered military service shall be subject to Section 10-63 of
5 the Illinois Administrative Procedure Act.

6 Section 60. Default judgment protection. Relief from a
7 final order or judgment entered by default against a service
8 member who has entered military service is subject to Section
9 2-1401.1 of the Code of Civil Procedure.

10 Section 65. Property repossession under retail installment
11 sales. The repossession of personal property pursuant to a
12 retail installment sales contract entered into before the buyer
13 has entered military service and on or after the effective date
14 of this Act that relates to the personal property of the
15 service member is subject to Section 26.5 of the Retail
16 Installment Sales Act and Section 9-610 of the Uniform
17 Commercial Code.

18 Section 70. Protection against foreclosure or a judicial
19 sale in a foreclosure. Foreclosure and a judicial sale pursuant
20 to a foreclosure against a service member who has entered
21 military service in conjunction with a mortgage agreement
22 entered into before the mortgagor entered military service and
23 on or after the effective date of this Act is subject to

1 Section 15-1501.6 of the Code of Civil Procedure.

2 Section 75. Stay of prosecution; civil matters. The stay,
3 postponement, or suspension of the enforcement of any civil
4 obligation or liability, the prosecution of any civil suit or
5 proceeding, or the entry or enforcement of any civil order,
6 writ, judgment, or decree involving a service member who has
7 entered military service shall be subject to Section 30.25 of
8 the Military Code of Illinois.

9 Section 80. School attendance and tuition. A full monetary
10 credit or refund for funds paid to any Illinois public
11 university, college, or community college on behalf of any
12 service member who enters military service shall be subject to
13 Section 30.30 of the Military Code of Illinois.

14 Section 900. The Illinois Administrative Procedure Act is
15 amended by adding Section 10-63 as follows:

16 (5 ILCS 100/10-63 new)

17 Sec. 10-63. Stay of contested case hearings; military.

18 (a) In this Section:

19 "Military service" means any training or duty no matter how
20 described under federal or State law for which a service member
21 is ordered to report by the President, Governor of a state,
22 commonwealth, or territory of the United States, or other

1 appropriate military authority.

2 "Service member" means a resident of Illinois who is a
3 member of any component of the U.S. Armed Forces or the
4 National Guard of any state, the District of Columbia, a
5 commonwealth, or a territory of the United States.

6 (b) In a contested case in which a named party is a service
7 member who has entered military service, for a period of 14
8 days that follow the conclusion of military service the
9 administrative law judge shall, upon motion made by or on
10 behalf of the service member, stay the hearing for a period of
11 90 days if the service member's ability to appear at the
12 hearing is materially affected by his or her military service.

13 (c) In order to be eligible for the benefits granted to
14 service members under this Section, a service member must
15 demonstrate that his or her military service has materially
16 affected his or her ability to attend the hearing by submitting
17 a letter to the administrative law judge from the service
18 member's commanding officer stating that the service member's
19 military duty has prevented the service member from appearing
20 at the hearing and that military leave has not been authorized.
21 The service member must also provide the administrative law
22 judge with an approximate date of availability.

23 (d) Additional stays of the contested case hearing shall be
24 permitted at the discretion of the administrative law judge if
25 all of the requirements of this Section are met.

26 (e) A violation of this Section constitutes a civil rights

1 violation under the Illinois Human Rights Act. All proceeds
2 from the collection of any civil penalty imposed under this
3 subsection shall be deposited into the Illinois Military Family
4 Relief Fund.

5 Section 905. The Civil Administrative Code of Illinois is
6 amended by adding Section 5-715 as follows:

7 (20 ILCS 5/5-715 new)

8 Sec. 5-715. Deadline extensions for service members.

9 (a) In this Section:

10 "Military service" means any training or duty no matter how
11 described under federal or State law for which a service member
12 is ordered to report by the President, Governor of state,
13 commonwealth, or territory of the United States, or other
14 appropriate military authority.

15 "Service member" means a resident of Illinois who is a
16 member of any component of the U.S. Armed Forces or the
17 National Guard of any state, the District of Columbia, a
18 commonwealth, or a territory of the United States.

19 (b) Each director of a department is authorized to extend
20 any deadline established by that director or department for a
21 service member who has entered military service. The director
22 may extend the deadline for a period not more than twice the
23 length of the service member's required military service.

1 Section 910. The Department of Central Management Services
2 Law of the Civil Administrative Code of Illinois is amended by
3 changing Section 405-272 as follows:

4 (20 ILCS 405/405-272)

5 Sec. 405-272. Bulk long distance telephone services for
6 military personnel in military service ~~on active duty~~.

7 (a) In this Section:

8 ~~"Active duty" means active duty pursuant to an executive~~
9 ~~order of the President of the United States, an act of the~~
10 ~~Congress of the United States, or an order of the Governor.~~

11 "Immediate family" means a service member's spouse
12 residing in the service member's household, brothers and
13 sisters of the whole or of the half blood, children, including
14 adopted children and stepchildren, parents, and grandparents.

15 "Military service" means any training or duty no matter how
16 described under federal or State law for which a service member
17 is ordered to report by the President, Governor of a state,
18 commonwealth, or territory of the United States, or other
19 appropriate military authority.

20 "Service member" means a resident of Illinois who is a
21 member of any component of the U.S. Armed Forces or the
22 National Guard of any state, the District of Columbia, a
23 commonwealth, or a territory of the United States ~~member of the~~
24 ~~armed services or reserve forces of the United States or a~~
25 ~~member of the Illinois National Guard.~~

1 (b) The Department may enter into a contract to purchase
2 bulk long distance telephone services and make them available
3 at cost, or may make bulk long distance telephone services
4 available at cost under any existing contract the Department
5 has entered into, to persons in the immediate family of service
6 members that have entered military service ~~deployed on active~~
7 ~~duty~~ so that those persons in the service members' families can
8 communicate with the service members ~~so deployed~~. If the
9 Department enters into a contract under this Section, it shall
10 do so in accordance with the Illinois Procurement Code and in a
11 nondiscriminatory manner that does not place any potential
12 vendor at a competitive disadvantage.

13 (c) In order to be eligible to use bulk long distance
14 telephone services purchased by the Department under this
15 Section, a service member or person in the service member's
16 immediate family must provide the Department with a copy of the
17 ~~military or gubernatorial~~ orders calling the service member to
18 military service ~~active duty~~ and of any orders further
19 extending the service member's period of military service
20 ~~active duty~~.

21 (d) If the Department enters into a contract under this
22 Section, the Department shall adopt rules as necessary to
23 implement this Section.

24 (Source: P.A. 94-635, eff. 8-22-05.)

25 Section 915. The Military Code of Illinois is amended by

1 changing Sections 30.25 and 30.30 as follows:

2 (20 ILCS 1805/30.25)

3 Sec. 30.25. Stay of prosecution. During and for a period of
4 14 days after a period of military service ~~training or duty~~ in
5 excess of 29 days ~~either under Title 32 of the United States~~
6 ~~Code or under State Active Duty~~, a court having jurisdiction
7 over the enforcement of any civil obligation or liability, the
8 prosecution of any civil suit or proceeding, or the entry or
9 enforcement of any civil order, writ, judgment, or decree may
10 stay, postpone, or suspend the matter if the court determines
11 that a service member's ~~person's~~ failure to meet the obligation
12 is the direct result of that period of military service
13 ~~training or duty~~. The stay, postponement, or suspension of
14 proceedings does not in any way modify any condition,
15 obligation, term, or liability agreed upon or incurred by a
16 person in military service including but not limited to accrued
17 interest, late fees, or penalties. No stay, postponement, or
18 suspension shall be provided regarding any written agreement
19 entered into, or debt that is incurred, by the person during or
20 after his or her period of military service ~~training or duty~~
21 ~~either under Title 32 of the United States Code or under State~~
22 ~~Active Duty~~. A violation of this Section constitutes a civil
23 rights violation under the Illinois Human Rights Act. All
24 proceeds from the collection of any civil penalty imposed under
25 this Section shall be deposited into the Illinois Military

1 Family Relief Fund.

2 (Source: P.A. 92-716, eff. 7-24-02.)

3 (20 ILCS 1805/30.30)

4 Sec. 30.30. School attendance and tuition. Any service
5 member that enters military service ~~person in federal active~~
6 ~~duty under Title 10 of the United States Code, or in training~~
7 ~~or duty under Title 32 of the United States Code, or in State~~
8 ~~Active Duty, pursuant to the orders of the Governor~~ has the
9 right to receive a full monetary credit or refund for funds
10 paid to any Illinois public university, college, or community
11 college if the service member ~~person~~ is placed into a period of
12 military service ~~with the State of Illinois pursuant to the~~
13 ~~orders of the Governor~~ and is unable to attend the university
14 or college for a period of 7 or more days. Withdrawal from the
15 course shall not impact upon the final grade point average of
16 the service member ~~person~~. If any service member ~~person~~ who has
17 been enrolled in any Illinois public university, college, or
18 community college is unable to process his or her enrollment
19 for the upcoming term, he or she shall have any and all late
20 penalties and or charges set aside, including any and all late
21 processing fees for books, lab fees, and all items that were
22 not in place because the service member ~~person~~ was engaged in
23 military service and was unable to enroll in the courses at the
24 appropriate time. The rights set forth in this Section are in
25 addition to any rights afforded to persons in military service

1 with the State of Illinois pursuant to the orders of the
2 Governor under the policies of an Illinois public university,
3 college, or community college. A violation of this Section
4 constitutes a civil rights violation under the Illinois Human
5 Rights Act. All proceeds from the collection of any civil
6 penalty imposed under this Section shall be deposited into the
7 Illinois Military Family Relief Fund.

8 (Source: P.A. 92-716, eff. 7-24-02.)

9 Section 920. The Illinois Municipal Code is amended by
10 changing Section 11-117-12.2 as follows:

11 (65 ILCS 5/11-117-12.2)

12 Sec. 11-117-12.2. Military personnel in military service
13 ~~on active duty~~; no stoppage of gas or electricity; arrearage.

14 (a) In this Section:

15 "Military service" means any training or duty no matter how
16 described under federal or State law for which a service member
17 is ordered to report by the President, Governor of a state,
18 commonwealth, or territory of the United States, or other
19 appropriate military authority.

20 ~~"Active duty" means active duty pursuant to an executive~~
21 ~~order of the President of the United States, an act of the~~
22 ~~Congress of the United States, or an order of the Governor.~~

23 "Service member" means a resident of Illinois who is a
24 member of any component of the U.S. Armed Forces or the

1 National Guard of any state, the District of Columbia, a
2 commonwealth, or a territory of the United States ~~member of the~~
3 ~~armed services or reserve forces of the United States or a~~
4 ~~member of the Illinois National Guard.~~

5 (b) No municipality owning a public utility shall stop gas
6 or electricity from entering the residential premises of which
7 a service member was a primary occupant immediately before the
8 service member entered military service ~~was deployed on active~~
9 ~~duty~~ for nonpayment for gas or electricity supplied to the
10 residential premises.

11 (c) Upon the return from military service ~~active duty~~ of a
12 residential consumer who is a service member, the municipality
13 shall offer the residential consumer a period equal to at least
14 the period of the residential consumer's military service
15 ~~deployment on active duty~~ to pay any arrearages incurred during
16 the period of the residential consumer's military service
17 ~~deployment~~. The municipality shall inform the residential
18 consumer that, if the period the municipality offers presents a
19 hardship to the consumer, the consumer may request a longer
20 period to pay the arrearages.

21 (d) In order to be eligible for the benefits granted to
22 service members under this Section, a service member must
23 provide the municipality with a copy of the ~~military or~~
24 ~~gubernatorial~~ orders calling the service member to military
25 service ~~active duty~~ and of any orders further extending the
26 service member's period of service ~~active duty~~.

1 (e) A violation of this Section constitutes a civil rights
2 violation under the Illinois Human Rights Act.

3 All proceeds from the collection of any civil penalty
4 imposed under this subsection shall be deposited into the
5 Illinois Military Family Relief Fund.

6 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
7 95-392, eff. 8-23-07.)

8 Section 925. The Illinois Insurance Code is amended by
9 changing Section 224.05 as follows:

10 (215 ILCS 5/224.05)

11 Sec. 224.05. Military personnel in military service ~~on~~
12 ~~active duty~~; no lapse of life insurance policy.

13 (a) Except as provided in subsection (b), this Section
14 shall apply to any individual life insurance policy insuring
15 the life of a resident of Illinois who is a member of any
16 component of the U.S. Armed Forces or the National Guard of any
17 state, the District of Columbia, a commonwealth, or a territory
18 of the United States ~~member of the armed services or reserve~~
19 ~~forces of the United States or a member of the Illinois~~
20 ~~National Guard~~ who has entered any training or duty which the
21 service member was ordered to by the President, Governor of a
22 state, commonwealth, or territory of the United States, or
23 other appropriate military authority, if the life insurance is
24 ~~on active duty pursuant to an executive order of the President~~

1 ~~of the United States, an act of the Congress of the United~~
2 ~~States, or an order of the Governor, if the life insurance~~
3 policy meets both of the following conditions:

4 (1) The policy has been in force for at least 180 days.

5 (2) The policy has been brought within the
6 "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003),
7 50 U.S.C. App. 541 and following.

8 (b) This Section does not apply to any policy that was
9 cancelled or that had lapsed for the nonpayment of premiums
10 prior to the commencement of the insured's period of military
11 service.

12 (c) An individual life insurance policy described in this
13 Section shall not lapse or be forfeited for the nonpayment of
14 premiums during the military service of a service member ~~member~~
15 ~~of the armed services or reserve forces of the United States or~~
16 ~~a member of the Illinois National Guard or~~ during the 2-year
17 period subsequent to the end of the member's period of military
18 service.

19 (d) In order to be eligible for the benefits granted to
20 service members under this Section, a service member must
21 provide the life insurance company with a copy of the ~~military~~
22 ~~or gubernatorial~~ orders calling the service member to military
23 service ~~active duty~~ and of any orders further extending the
24 service member's period of service ~~active duty~~.

25 (e) This Section does not limit a life insurance company's
26 enforcement of provisions in the insured's policy relating to

1 naval or military service in time of war.

2 (f) A violation of this Section constitutes a civil rights
3 violation under the Illinois Human Rights Act.

4 All proceeds from the collection of any civil penalty
5 imposed under this subsection shall be deposited into the
6 Illinois Military Family Relief Fund.

7 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
8 95-392, eff. 8-23-07.)

9 Section 930. The Public Utilities Act is amended by
10 changing Section 8-201.5 as follows:

11 (220 ILCS 5/8-201.5)

12 Sec. 8-201.5. Military personnel in military service ~~on~~
13 ~~active duty~~; no stoppage of gas or electricity; arrearage.

14 (a) In this Section:

15 "Military service" means any training or duty no matter how
16 described under federal or State law for which a service member
17 is ordered to report by the President, Governor of a state,
18 commonwealth, or territory of the United States, or other
19 appropriate military authority.

20 ~~"Active duty" means active duty pursuant to an executive~~
21 ~~order of the President of the United States, an act of the~~
22 ~~Congress of the United States, or an order of the Governor.~~

23 "Service member" means a resident of Illinois who is a
24 member of any component of the U.S. Armed Forces or the

1 National Guard of any state, the District of Columbia, a
2 commonwealth, or a territory of the United States ~~member of the~~
3 ~~armed services or reserve forces of the United States or a~~
4 ~~member of the Illinois National Guard.~~

5 (b) No company or electric cooperative shall stop gas or
6 electricity from entering the residential premises of which a
7 service member was a primary occupant immediately before the
8 service member entered military service ~~was deployed on active~~
9 ~~duty~~ for nonpayment for gas or electricity supplied to the
10 residential premises.

11 (c) In order to be eligible for the benefits granted to
12 service members under this Section, a service member must
13 provide the company or electric cooperative with a copy of the
14 ~~military or gubernatorial~~ orders calling the service member to
15 military service ~~active duty~~ and of any orders further
16 extending the service member's period of service ~~active duty~~.

17 (d) Upon the return from military service ~~active duty~~ of a
18 residential consumer who is a service member, the company or
19 electric cooperative shall offer the residential consumer a
20 period equal to at least the period of military service
21 ~~deployment on active duty~~ to pay any arrearages incurred during
22 the period of the residential consumer's military service
23 ~~deployment~~. The company or electric cooperative shall inform
24 the residential consumer that, if the period that the company
25 or electric cooperative offers presents a hardship to the
26 consumer, the consumer may request a longer period to pay the

1 arrearages and, in the case of a company that is a public
2 utility, may request the assistance of the Illinois Commerce
3 Commission to obtain a longer period. No late payment fees or
4 interest shall be charged to the residential consumer during
5 the period of military service ~~deployment~~ or the repayment
6 period.

7 (e) A violation of this Section constitutes a civil rights
8 violation under the Illinois Human Rights Act.

9 All proceeds from the collection of any civil penalty
10 imposed under this subsection shall be deposited into the
11 Illinois Military Family Relief Fund.

12 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
13 95-392, eff. 8-23-07.)

14 Section 935. The Service Member's Employment Tenure Act is
15 amended by changing Section 5.2 as follows:

16 (330 ILCS 60/5.2)

17 Sec. 5.2. School attendance and tuition.

18 (a) Any person in military service with the State of
19 Illinois or in federal active duty service pursuant to the
20 orders of the President of the United States or the Governor
21 has the right to receive a full monetary credit or refund for
22 funds paid to any Illinois public university, college or
23 community college if the person is placed into a period of
24 military service pursuant to the orders of the President of the

1 United States or the Governor and is unable to attend the
2 university or college for a period of 7 or more days.
3 Withdrawal from the course shall not impact upon the final
4 grade point average of the person. If any person who has been
5 enrolled in any Illinois public university, college, or
6 community college is unable to process his or her enrollment
7 for the upcoming term, he or she shall have any and all late
8 penalties and or charges set aside, including any and all late
9 processing fees for books, lab fees, and all items that were
10 not in place because the person was engaged in military service
11 and was unable to enroll in the courses at the appropriate
12 time.

13 A service member enrolled in an institution of higher
14 learning who is unable, because of his or her military service,
15 to attend classes on a particular day or days has the right to
16 be excused and to reschedule a course examination administered
17 on such day or days. The faculty and administrative officials
18 shall make available to the service member an equivalent
19 opportunity to make up any examination he or she has missed
20 because of his or her military service.

21 The rights set forth in this Section are in addition to any
22 rights afforded to persons in military service with the State
23 of Illinois or in federal active duty service pursuant to the
24 orders of the President of the United States or the Governor
25 under the policies of an Illinois public university, college,
26 or community college.

1 (b) For the purposes of this Section:

2 "Institution of higher learning" has the same meaning as in
3 Section 10 of the Higher Education Student Assistance Act.

4 "Military service" means any training or duty, no matter
5 how described under federal or State law, for which a service
6 member is ordered to report by the President, Governor of a
7 state, commonwealth, or territory of the United States, or
8 other appropriate military authority.

9 "Service member" means a resident of Illinois who is a
10 member of any component of the U.S. Armed Forces or the
11 National Guard of any state, the District of Columbia, a
12 commonwealth, or a territory of the United States.

13 (Source: P.A. 93-822, eff. 7-28-04.)

14 Section 940. The Code of Civil Procedure is amended by
15 changing Sections 9-107.10 and 9-206 and by adding Sections
16 2-1401.1 and 15-1501.6 as follows:

17 (735 ILCS 5/2-1401.1 new)

18 Sec. 2-1401.1. Relief from default judgment; military
19 personnel in military service.

20 (a) In this Section:

21 "Military service" means any training or duty no matter how
22 described under federal or State law for which a service member
23 is ordered to report by the President, Governor of a state,
24 commonwealth, or territory of the United States, or other

1 appropriate military authority.

2 "Service member" means a resident of Illinois who is a
3 member of any component of the U.S. Armed Forces or the
4 National Guard of any state, the District of Columbia, or
5 commonwealth, or a territory of the United States.

6 (b) Relief from and vacation of final orders and judgments
7 after 30 days from the entry thereof entered by default against
8 a service member that has entered military service may be had
9 upon petition as provided in this Section. All relief
10 heretofore obtainable and the grounds for such relief
11 heretofore available shall be available in every case, by
12 proceedings commenced pursuant to this Section, regardless of
13 the nature of the order or judgment from which relief is sought
14 or of the proceedings in which it was entered. Except as
15 provided in Section 6 of the Illinois Parentage Act of 1984,
16 there shall be no distinction between actions and other
17 proceedings, statutory or otherwise, as to availability of
18 relief, grounds for relief or the relief obtainable.

19 (c) The petition must be filed in the same proceeding in
20 which the order or judgment was entered but is not a
21 continuation thereof. The petition must be supported by
22 affidavit or other appropriate showing as to matters not of
23 record and show that the service member did not appear in the
24 proceeding, the person's military service materially affected
25 the service member's ability to defend the case, the person has
26 a meritorious or legal defense to the action, and the petition

1 must be filed within 90 days after the service member's date of
2 release from military service. All parties to the petition
3 shall be notified as provided by rule.

4 (d) Except as provided in Section 20b of the Adoption Act
5 and Section 2-32 of the Juvenile Court Act of 1987 or in a
6 petition based upon Section 116-3 of the Code of Criminal
7 Procedure of 1963, the petition must be filed not later than 90
8 days after the service member's release from military service.
9 Time during which the person seeking relief is under legal
10 disability or duress or the ground for relief is fraudulently
11 concealed shall be excluded in computing the period for filing.

12 (e) The filing of a petition under this Section does not
13 affect the order or judgment, or suspend its operation.

14 (f) Unless lack of jurisdiction affirmatively appears from
15 the record proper, the vacation or modification of an order or
16 judgment pursuant to the provisions of this Section does not
17 affect the right, title or interest in or to any real or
18 personal property of any person, not a party to the original
19 action, acquired for value after the entry of the order or
20 judgment but before the filing of the petition, nor affect any
21 right of any person not a party to the original action under
22 any certificate of sale issued before the filing of the
23 petition, pursuant to a sale based on the order or judgment.

24 (g) Nothing contained in this Section affects any existing
25 right to relief from a void order or judgment, or to employ any
26 existing method to procure that relief.

1 (735 ILCS 5/9-107.10)

2 Sec. 9-107.10. Military personnel in military service ~~on~~
3 ~~active duty~~; action for possession.

4 (a) In this Section:

5 "Military service" means any training or duty no matter how
6 described under federal or State law for which a service member
7 is ordered to report by the President, Governor of a State,
8 commonwealth, or territory of the United States, or other
9 appropriate military authority.

10 ~~"Active duty" means active duty pursuant to an executive~~
11 ~~order of the President of the United States, an act of the~~
12 ~~Congress of the United States, or an order of the Governor.~~

13 "Service member" means a resident of Illinois who is a
14 member of any component of the U.S. Armed Forces or the
15 National Guard of any state, the District of Columbia, a
16 commonwealth, or a territory of the United States ~~member of the~~
17 ~~armed services or reserve forces of the United States or a~~
18 ~~member of the Illinois National Guard.~~

19 (b) In an action for possession of residential premises of
20 a tenant, including a tenant who is a resident of a mobile home
21 park, who is a service member that has entered military service
22 ~~deployed on active duty~~, or of any member of the tenant's
23 family who resides with the tenant, if the tenant entered into
24 the rental agreement on or after the effective date of this
25 amendatory Act of the 94th General Assembly, the court may, on

1 its own motion, and shall, upon motion made by or on behalf of
2 the tenant, do either of the following if the tenant's ability
3 to pay the agreed rent is materially affected by the tenant's
4 military service ~~deployment on active duty~~:

5 (1) Stay the proceedings for a period of 90 days,
6 unless, in the opinion of the court, justice and equity
7 require a longer or shorter period of time.

8 (2) Adjust the obligation under the rental agreement to
9 preserve the interest of all parties to it.

10 (c) In order to be eligible for the benefits granted to
11 service members under this Section, a service member or a
12 member of the service member's family who resides with the
13 service member must provide the landlord or mobile home park
14 operator with a copy of the ~~military or gubernatorial~~ orders
15 calling the service member to military service ~~active duty~~ and
16 of any orders further extending the ~~service member's~~ period of
17 service ~~active duty~~.

18 (d) If a stay is granted under this Section, the court may
19 grant the landlord or mobile home park operator such relief as
20 equity may require.

21 (e) A violation of this Section constitutes a civil rights
22 violation under the Illinois Human Rights Act. All proceeds
23 from the collection of any civil penalty imposed pursuant to
24 the Illinois Human Rights Act under this subsection shall be
25 deposited into the Illinois Military Family Relief Fund.

26 (Source: P.A. 94-635, eff. 8-22-05; 95-392, eff. 8-23-07.)

1 (735 ILCS 5/9-206) (from Ch. 110, par. 9-206)

2 Sec. 9-206. Notice to terminate tenancy of farm land.
3 Subject to the provisions of Section 16 of the Landlord and
4 Tenant Act, in ~~in~~ order to terminate tenancies from year to
5 year of farm lands, occupied on a crop share, livestock share,
6 cash rent or other rental basis, the notice to quit shall be
7 given in writing not less than 4 months prior to the end of the
8 year of letting. Such notice may not be waived in a verbal
9 lease. The notice to quit may be substantially in the following
10 form:

11 To A.B.: You are hereby notified that I have elected to
12 terminate your lease of the farm premises now occupied by you,
13 being (here describe the premises) and you are hereby further
14 notified to quit and deliver up possession of the same to me at
15 the end of the lease year, the last day of such year being
16 (here insert the last day of the lease year).

17 (Source: P.A. 82-280.)

18 (735 ILCS 5/15-1501.6 new)

19 Sec. 15-1501.6. Relief in mortgage foreclosure proceedings
20 for military personnel in military service.

21 (a) In this Section:

22 "Military service" means any training or duty no matter how
23 described under federal or State law for which a service member
24 is ordered to report by the President, Governor of a state,

1 commonwealth, or territory of the United States, or other
2 appropriate military authority.

3 "Service member" means a resident of Illinois who is a
4 member of any component of the U.S. Armed Forces or the
5 National Guard of any state, the District of Columbia, a
6 commonwealth, or a territory of the United States.

7 (b) In an action for foreclosure, a mortgagor who is a
8 service member that has entered military service for a period
9 greater than 14 consecutive days or any member of the
10 mortgagor's family who resides with the mortgagor at the
11 mortgaged premises, if the mortgagor entered into the mortgage
12 agreement before the mortgagor received orders for military
13 service on or after the effective date of this amendatory Act
14 of the 97th General Assembly, may file a motion for relief and
15 the court shall, if the mortgagor's ability to pay the agreed
16 mortgage payments or to defend the foreclosure action or
17 judicial sale is materially affected by the mortgagor's
18 military service, do one or more of the following:

19 (1) stay the proceedings for a period of 90 days after
20 the mortgagor returns from active duty, unless, in the
21 opinion of the court, justice and equity require a longer
22 or shorter period of time;

23 (2) adjust the obligation under the mortgage agreement
24 by reducing the monthly payments and extend the term of the
25 mortgage, provided that the adjustment preserves the
26 interest of all parties to it; or

1 (3) stay a judicial sale of the property.

2 (c) If a mortgagor or any member of the mortgagor's family
3 who resides with the mortgagor at the mortgaged premises files
4 a motion under this Section, no judicial sale under this
5 Article may advance without a court order showing that the
6 court considered the mortgagor's motion and considered staying
7 the judicial sale.

8 (d) In order to be eligible for the benefits granted to a
9 service member under this Section, a service member or a member
10 of the service member's family who resides with the service
11 member at the mortgaged premises must provide the court and the
12 mortgagee with a copy of the orders calling the service member
13 to military service and of any orders further extending the
14 service member's period of service.

15 (e) If a stay is granted under this Section, the court may
16 grant the mortgagee such relief as equity may require.

17 (f) The forms of relief available under this Section shall
18 continue to be available up to 90 days after the completion of
19 the service member's military service.

20 (g) In addition to any sanction available to the court for
21 violation of a stay or order, a violation of this Section
22 constitutes a civil rights violation under the Illinois Human
23 Rights Act. All proceeds from the collection of any civil
24 penalty imposed pursuant to the Illinois Human Rights Act under
25 this subsection shall be deposited into the Illinois Military
26 Family Relief Fund.

1 Section 945. The Landlord and Tenant Act is amended by
2 adding Section 16 as follows:

3 (765 ILCS 705/16 new)

4 Sec. 16. Military personnel in military service; right to
5 terminate lease.

6 (a) In this Section:

7 "Military service" means any training or duty no matter how
8 described under federal or State law for which a service member
9 is ordered to report by the President, Governor of the state,
10 commonwealth, or territory of the United States, or other
11 appropriate military authority.

12 "Service member" means a resident of Illinois who is a
13 member of any component of the U.S. Armed Forces or the
14 National Guard of any state, the District of Columbia, a
15 commonwealth, or a territory of the United States.

16 (b) A tenant who is a service member that has entered
17 military service for a period greater than 29 consecutive days
18 or any member of the tenant's family who resides with the
19 tenant at the leased premises may terminate a lease for a
20 mobile home lot, residential premises, non-residential
21 premises, or farm or agricultural real property if the tenant
22 enters military service for greater than 29 consecutive days
23 after executing the lease or the tenant, while in military
24 service, receives military orders for a permanent change of

1 station or to deploy with a military unit or as an individual
2 in support of a military operation for a period of not less
3 than 90 days, regardless of whether the lease was signed before
4 or during military service. This provision applies to leases
5 executed on or after the effective date of this amendatory Act
6 of the 97th General Assembly.

7 (c) In order to exercise the right to terminate the lease
8 granted to a service member under this Section, a service
9 member or a member of the service member's family who resides
10 with the service member at the leased premises must provide the
11 landlord or mobile home park operator with a copy of the orders
12 calling the service member to military service and of any
13 orders further extending the service member's period of
14 service.

15 (d) Termination of the lease is effective 30 days after the
16 delivery of the notice to the landlord, except that if rent is
17 paid in monthly installments the termination is effective 30
18 days after the next rental payment due date after the date of
19 the notice to the landlord. If any rent payment was made in
20 advance, the landlord must return any unearned portion and the
21 landlord must return any security deposit paid, except to the
22 extent that there are actual damages or repairs to be paid from
23 the security deposit as provided in the lease agreement.

24 (e) A landlord's failure to accept a service member's
25 termination of a lease that is effected pursuant to this
26 Section imposed by this Section constitutes a civil rights

1 violation under the Illinois Human Rights Act. All proceeds
2 from the collection of any civil penalty imposed under this
3 subsection shall be deposited into the Illinois Military Family
4 Relief Fund.

5 Section 950. The Illinois Human Rights Act is amended by
6 changing Section 6-102 as follows:

7 (775 ILCS 5/6-102)

8 Sec. 6-102. Violations of other Acts. A person who violates
9 the Military Leave of Absence Act, the Public Employee Armed
10 Services Rights Act, Section 11-117-12.2 of the Illinois
11 Municipal Code, Section 224.05 of the Illinois Insurance Code,
12 Section 8-201.5 of the Public Utilities Act, Sections 2-1401.1,
13 9-107.10, 9-107.11, and 15-1501.6 ~~Section 9-107.10~~ of the Code
14 of Civil Procedure, Section 4.05 of the Interest Act, the
15 Military Personnel Cellular Phone Contract Termination Act,
16 Section 405-272 of the Civil Administrative Code of Illinois,
17 Section 10-63 of the Illinois Administrative Procedure Act,
18 Sections 30.25 and 30.30 of the Military Code of Illinois,
19 Section 16 of the Landlord and Tenant Act, Section 26.5 of the
20 Retail Installment Sales Act, or Section 37 of the Motor
21 Vehicle Leasing Act commits a civil rights violation within the
22 meaning of this Act.

23 (Source: P.A. 95-392, eff. 8-23-07.)

1 Section 955. The Uniform Commercial Code is amended by
2 changing Section 9-610 as follows:

3 (810 ILCS 5/9-610)

4 Sec. 9-610. Disposition of collateral after default.

5 (a) Disposition after default. After default, a secured
6 party may sell, lease, license, or otherwise dispose of any or
7 all of the collateral in its present condition or following any
8 commercially reasonable preparation or processing.

9 (b) Commercially reasonable disposition. Every aspect of a
10 disposition of collateral, including the method, manner, time,
11 place, and other terms, must be commercially reasonable. If
12 commercially reasonable, a secured party may dispose of
13 collateral by public or private proceedings, by one or more
14 contracts, as a unit or in parcels, and at any time and place
15 and on any terms.

16 (c) Purchase by secured party. A secured party may purchase
17 collateral:

18 (1) at a public disposition; or

19 (2) at a private disposition only if the collateral is
20 of a kind that is customarily sold on a recognized market
21 or the subject of widely distributed standard price
22 quotations.

23 (d) Warranties on disposition. A contract for sale, lease,
24 license, or other disposition includes the warranties relating
25 to title, possession, quiet enjoyment, and the like which by

1 operation of law accompany a voluntary disposition of property
2 of the kind subject to the contract.

3 (e) Disclaimer of warranties. A secured party may disclaim
4 or modify warranties under subsection (d):

5 (1) in a manner that would be effective to disclaim or
6 modify the warranties in a voluntary disposition of
7 property of the kind subject to the contract of
8 disposition; or

9 (2) by communicating to the purchaser a record
10 evidencing the contract for disposition and including an
11 express disclaimer or modification of the warranties.

12 (f) Record sufficient to disclaim warranties. A record is
13 sufficient to disclaim warranties under subsection (e) if it
14 indicates "There is no warranty relating to title, possession,
15 quiet enjoyment, or the like in this disposition" or uses words
16 of similar import.

17 (g) The provisions of this Section are subject to Section
18 26.5 of the Retail Installment Sales Act.

19 (Source: P.A. 91-893, eff. 7-1-01.)

20 Section 960. The Interest Act is amended by changing
21 Section 4.05 as follows:

22 (815 ILCS 205/4.05)

23 Sec. 4.05. Military personnel in military service ~~on active~~
24 ~~duty~~; limitation on interest rate.

1 (a) In this Section:

2 "Military service" means any training or duty no matter how
3 described under federal or State law for which a service member
4 is ordered to report by the President, Governor of a state,
5 commonwealth, or territory of the United States, or other
6 appropriate military authority.

7 ~~"Active duty" means active duty pursuant to an executive~~
8 ~~order of the President of the United States, an act of the~~
9 ~~Congress of the United States, or an order of the Governor.~~

10 "Obligation" means any retail installment sales contract,
11 other contract for the purchase of goods or services, or bond,
12 bill, note, or other instrument of writing for the payment of
13 money arising out of a contract or other transaction for the
14 purchase of goods or services.

15 "Service member" means a resident of Illinois who is a
16 member of any component of the U.S. Armed Forces or the
17 National Guard of any state, the District of Columbia, a
18 commonwealth, or a territory of the United States ~~member of the~~
19 ~~armed services or reserve forces of the United States or a~~
20 ~~member of the Illinois National Guard.~~

21 (b) Notwithstanding any contrary provision of State law,
22 but subject to the federal Servicemembers Civil Relief Act, no
23 creditor in connection with an obligation entered into on or
24 after the effective date of this amendatory Act of the 94th
25 General Assembly, but prior to a service member's period of
26 military service ~~deployment on active duty~~, shall charge or

1 collect from a service member who has entered military service
2 ~~is deployed on active duty~~, or the spouse of that service
3 member, interest or finance charges exceeding 6% per annum
4 during the period of military service ~~that the service member~~
5 ~~is deployed on active duty~~.

6 (c) Notwithstanding any contrary provision of law,
7 interest or finance charges in excess of 6% per annum that
8 otherwise would be incurred but for the prohibition in
9 subsection (b) are forgiven.

10 (d) The amount of any periodic payment due from a service
11 member who has entered military service ~~is deployed on active~~
12 ~~duty~~, or the spouse of that service member, under the terms of
13 the obligation shall be reduced by the amount of the interest
14 and finance charges forgiven under subsection (c) that is
15 allocable to the period for which the periodic payment is made.

16 (e) In order for an obligation to be subject to the
17 interest and finance charges limitation of this Section, the
18 service member who has entered military service ~~deployed on~~
19 ~~active duty~~, or the spouse of that service member, shall
20 provide the creditor with written notice of and a copy of the
21 ~~military or gubernatorial~~ orders calling the service member to
22 military service ~~active duty~~ and of any orders further
23 extending the service member's period of service ~~active duty~~,
24 not later than 180 days after the date of the service member's
25 termination of or release from military service ~~active duty~~.

26 (f) Upon receipt of the written notice and a copy of the

1 orders referred to in subsection (e), the creditor shall treat
2 the obligation in accordance with subsection (b), effective as
3 of the date on which the service member entered military
4 service ~~is deployed to active duty~~.

5 (g) A court may grant a creditor relief from the interest
6 and finance charges limitation of this Section, if, in the
7 opinion of the court, the ability of the service member who has
8 entered military service ~~deployed on active duty~~, or the spouse
9 of that service member, to pay interest or finance charges with
10 respect to the obligation at a rate in excess of 6% per annum
11 is not materially affected by reason of the service member's
12 military service ~~deployment on active duty~~.

13 (h) A violation of this Section constitutes a civil rights
14 violation under the Illinois Human Rights Act.

15 All proceeds from the collection of any civil penalty
16 imposed under this subsection shall be deposited into the
17 Illinois Military Family Relief Fund.

18 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
19 95-392, eff. 8-23-07.)

20 Section 965. The Retail Installment Sales Act is amended by
21 adding Section 26.5 as follows:

22 (815 ILCS 405/26.5 new)

23 Sec. 26.5. Relief concerning a retail installment contract
24 default for military personnel in military service.

1 (a) In this Section:

2 "Military service" means any training or duty no matter how
3 described under federal or State law for which a service member
4 is ordered to report by the President, Governor of a state,
5 commonwealth, or territory of the United States, or other
6 appropriate military authority.

7 "Service member" means a resident of Illinois who is a
8 member of any component of the U.S. Armed Forces or the
9 National Guard of any state, the District of Columbia, a
10 commonwealth, or a territory of the United States.

11 (b) With respect to any act taken by a holder pursuant to
12 Section 26, a buyer who is a service member that has entered
13 military service, if the buyer entered into the retail
14 installment contract before the buyer entered military service
15 and on or after the effective date of this amendatory Act of
16 the 97th General Assembly may file a petition for relief, and
17 the court shall do one or more of the following if the buyer's
18 ability to pay the agreed retail installment contract payments
19 is materially affected by the buyer's military service:

20 (1) stay any repossession of goods subject to the
21 retail install contract for a period of 90 days after the
22 buyer returns from military service, unless, in the opinion
23 of the court, justice and equity require a longer or
24 shorter period of time;

25 (2) adjust the obligation under the retail installment
26 contract by reducing the monthly payments and extending the

1 term of the contract, provided that the adjustment
2 preserves the interest of all parties to the contract; or

3 (3) stay the repossession of the goods or collateral
4 subject to the retail install contract or stay the
5 disposition of repossessed goods or collateral subject to
6 the retail install contract.

7 (c) In order to be eligible for the benefits granted to a
8 service member under this Section, a service member must
9 provide the court and the holder with a copy of the orders
10 calling the service member to military service and of any
11 orders further extending the service member's period of
12 service.

13 (d) If a stay is granted under this Section, the court may
14 grant the holder such relief as equity may require.

15 (e) In addition to any sanction available to the court for
16 violation of a stay or order, a violation of this Section
17 constitutes a civil rights violation under the Illinois Human
18 Rights Act. All proceeds from the collection of any civil
19 penalty imposed pursuant to the Illinois Human Rights Act under
20 this subsection shall be deposited into the Illinois Military
21 Family Relief Fund.

22 Section 970. The Military Personnel Cellular Phone
23 Contract Termination Act is amended by changing Sections 5, 10,
24 15, and 22 as follows:

1 (815 ILCS 633/5)

2 Sec. 5. Definition. In this Act:

3 "Military service" means any training or duty no matter how
4 described under federal or State law for which a service member
5 is ordered to report by the President, Governor of a state,
6 commonwealth, or territory of the United States, or other
7 appropriate military authority.

8 ~~"Active duty" means active duty pursuant to an executive~~
9 ~~order of the President of the United States, an act of the~~
10 ~~Congress of the United States, or an order of the Governor.~~

11 "Service member" means a resident of Illinois who is a
12 member of any component of the U.S. Armed Forces or the
13 National Guard of any state, the District of Columbia, a
14 commonwealth, or a territory of the United States ~~member of the~~
15 ~~armed services or reserve forces of the United States or a~~
16 ~~member of the Illinois National Guard.~~

17 (Source: P.A. 94-635, eff. 8-22-05.)

18 (815 ILCS 633/10)

19 Sec. 10. Termination of cellular phone contract without
20 penalty. Any service member who enters military service ~~is~~
21 ~~deployed on active duty~~, or the spouse of that service member,
22 may terminate, without penalty, a cellular phone contract that
23 meets both of the following requirements:

24 (1) The contract is entered into on or after the
25 effective date of this Act.

1 (2) The contract is executed by or on behalf of the
2 service member who has entered military service ~~is deployed~~
3 ~~on active duty~~.

4 (3) The service member's military service is at a
5 location that is outside the coverage area of the cellular
6 telephone company that supports the contract.

7 (Source: P.A. 94-635, eff. 8-22-05.)

8 (815 ILCS 633/15)

9 Sec. 15. Effective date of termination. Termination of the
10 cellular phone contract shall not be effective until:

11 (1) thirty days after the service member who has
12 entered military service ~~is deployed on active duty~~ or the
13 service member's spouse gives notice by certified mail,
14 return receipt requested, of the intention to terminate the
15 cellular phone contract together with a copy of the
16 ~~military or gubernatorial~~ orders calling the service
17 member to military service ~~active duty~~ and of any orders
18 further extending the service member's period of service
19 ~~active duty~~; and

20 (2) unless the service member who enters military
21 service ~~is deployed on active duty~~ owns the cellular phone,
22 the cellular phone is returned to the custody or control of
23 the cellular telephone company, or the service member who
24 enters military service ~~is deployed on active duty~~ or the
25 service member's spouse agrees in writing to return the

1 cellular phone as soon as practical after the military
2 service deployment is completed.

3 (Source: P.A. 94-635, eff. 8-22-05.)

4 (815 ILCS 633/22)

5 Sec. 22. Violation. A violation of this Act constitutes a
6 civil rights violation under the Illinois Human Rights Act. All
7 proceeds from the collection of any civil penalty imposed under
8 this Section shall be deposited into the Illinois Military
9 Family Relief Fund.

10 (Source: P.A. 95-392, eff. 8-23-07.)

11 Section 975. The Motor Vehicle Leasing Act is amended by
12 changing Section 37 as follows:

13 (815 ILCS 636/37)

14 Sec. 37. Military personnel in military service ~~on active~~
15 ~~duty~~; termination of lease.

16 (a) In this Act:

17 "Military service" means any training or duty no matter how
18 described under federal or State law for which a service member
19 is ordered to report by the President, Governor of a state,
20 commonwealth, or territory of the United States, or other
21 appropriate military authority.

22 ~~"Active duty" means active duty pursuant to an executive~~
23 ~~order of the President of the United States, an act of the~~

1 ~~Congress of the United States, or an order of the Governor.~~

2 "Motor vehicle" means any automobile, car minivan,
3 passenger van, sport utility vehicle, pickup truck, or other
4 self-propelled vehicle not operated or driven on fixed rails or
5 track.

6 "Service member" means a resident of Illinois who is a
7 member of any component of the U.S. Armed Forces or the
8 National Guard of any state, the District of Columbia, a
9 commonwealth, or a territory of the United States ~~member of the~~
10 ~~armed services or reserve forces of the United States or a~~
11 ~~member of the Illinois National Guard.~~

12 (b) Any service member who enters military service ~~is~~
13 ~~deployed on active duty~~ for a period of not less than 180 days,
14 or the spouse of that service member, may terminate any motor
15 vehicle lease that meets both of the following requirements:

16 (1) The lease is entered into on or after the effective
17 date of this amendatory Act of the 94th General Assembly.

18 (2) The lease is executed by or on behalf of the
19 service member who has entered military service ~~is deployed~~
20 ~~on active duty.~~

21 (c) Termination of the motor vehicle lease shall not be
22 effective until:

23 (1) the service member who has entered military service
24 ~~is deployed on active duty~~, or the service member's spouse,
25 gives the lessor by certified mail, return receipt
26 requested, a notice of the intention to terminate the lease

1 together with a copy of the ~~military or gubernatorial~~
2 orders calling the service member to military service
3 ~~active duty~~ and of any orders further extending the service
4 member's period of service ~~active duty~~; and

5 (2) the motor vehicle subject to the lease is returned
6 to the custody or control of the lessor not later than 15
7 days after the delivery of the written notice.

8 (d) Lease amounts unpaid for the period preceding the
9 effective date of the lease's termination shall be paid on a
10 prorated basis. The lessor may not impose an early termination
11 charge, but any taxes, costs of summons, and title or
12 registration fees and any other obligation and liability of the
13 lessee under the terms of the lease, including reasonable
14 charges to the lessee for excess wear, use, and mileage, that
15 are due and unpaid at the time of the lease's termination shall
16 be paid by the lessee.

17 (e) The lessor shall refund to the lessee lease amounts
18 paid in advance for a period after the effective date of the
19 lease's termination within 30 days after the effective date of
20 the lease's termination.

21 (f) Upon application by the lessor to a court before the
22 effective date of the lease's termination, relief granted by
23 this Section may be modified as justice and equity require.

24 (g) A violation of this Section constitutes a civil rights
25 violation under the Illinois Human Rights Act.

26 All proceeds from the collection of any civil penalty

1 imposed under this subsection shall be deposited into the
2 Illinois Military Family Relief Fund.

3 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
4 95-392, eff. 8-23-07.)

1 INDEX
2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 100/10-63 new

5 20 ILCS 5/5-715 new

6 20 ILCS 405/405-272

7 20 ILCS 1805/30.25

8 20 ILCS 1805/30.30

9 65 ILCS 5/11-117-12.2

10 215 ILCS 5/224.05

11 220 ILCS 5/8-201.5

12 330 ILCS 60/5.2

13 735 ILCS 5/2-1401.1 new

14 735 ILCS 5/9-107.10

15 735 ILCS 5/9-206 from Ch. 110, par. 9-206

16 735 ILCS 5/15-1501.6 new

17 765 ILCS 705/16 new

18 775 ILCS 5/6-102

19 810 ILCS 5/9-610

20 815 ILCS 205/4.05

21 815 ILCS 405/26.5 new

22 815 ILCS 633/5

23 815 ILCS 633/10

24 815 ILCS 633/15

25 815 ILCS 633/22

SB3287

- 46 -

LRB097 17537 RPM 62741 b

1 815 ILCS 636/37